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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of Australia

Addendum

Replies of Australia*

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* The present document is being issued without formal editing.

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Legislative framework

1. Australian state and territory government anti-discrimination legislation and policies operate together to uphold Australia's commitment to equal rights for women, and obligations under the Convention. The *Sex Discrimination Act 1984* is the key federal legislation for making discrimination against women unlawful, and gives effect to many of Australia's obligations under the Convention. The protections in the *Sex Discrimination Act* operate concurrently with state and territory anti-discrimination legislation, except to the extent of any inconsistency, in which case the federal law prevails. This model enables a broad range of protections enacted at the state and territory level to be supplemented by protections at the federal level.

2. The *Sex Discrimination Amendment Bill 2010*, (refer CEDAW/C/AUL/CO/7, paragraph 20) was not progressed through the Australian Parliament. However, since 2010 there have been a number of legislative amendments to strengthen the discrimination protections. For example, the *Sex and Age Discrimination Legislation Amendment Act 2011* and the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013*. The *Marriage Amendment (Definition and Religious Freedoms) Act 2017* amended the *Marriage Act 1961* to remove the restrictions that limit marriage in Australia to the union of a man and a woman, allowing two people the freedom to marry in Australia, regardless of their sex or gender, and recognising foreign same-sex marriages under Australian law.

3. States and territories have also made a number of amendments to strengthen implementation of the Convention. See Annex 1 — Issues 1 to 9.

4. The *Parliamentary Joint Committee on Human Rights* (PJCHR) examines and reports on the human rights compatibility of all bills and legislative instruments that come before the Parliament. The PJCHR referred to the Convention while examining bills and disallowable legislative instruments in a number of instances such as: the *Thirty-fourth report of the 44th Parliament* (23 February 2016) considered the *Fair Work (State Declarations — employer not to be national system employer) Endorsement 2015 (No. 1)*, where articles of the Convention relating to employment conditions were referenced at page 111; and the *Thirty-seventh report of the 44th Parliament* (19 April 2016) considered the *Fairer Paid Parental Leave Bill 2015*, where relevant articles of the Convention were referenced in relation to the right to maternity leave at page 40.

Reservations

5. Australia acknowledges the Committee's recommendation to remove the reservation related to maternity leave with pay following the introduction of the *Paid Parental Leave Act 2010 (Cth)*. In line with the policy to periodically review its reservations to treaties to determine whether they remain necessary, Australia is assessing what legislative steps, if any, are required to ensure compliance with this article of the Convention.

6. Australia's reservation to Convention Article 11(1) (b) and (c) regarding the exclusion of women from combat roles is no longer consistent with Australian policy. There have been no gender restrictions on combat roles in the Australian Defence Force since January 2016. In May 2017, Australian Parliament's Joint Standing Committee on Treaties announced its support for treaty action to withdraw the reservation. The withdrawal process will occur as soon as practicable following

Australia's repeal of the related exemption in the *Sex Discrimination Act*. The Bill to amend this legislation is currently before Parliament.

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

7. In 2017, the *National Judicial College of Australia* (NJCA) rolled out the newly developed *Family Violence in the Court* training program. Key references relied upon within this training support the Convention, its Optional Protocol and the Committee's general recommendations in its continuing education programme. Other aspects of the NJCA's curriculum includes consideration of Australia's obligations pursuant to the Convention. For example, NJCA held a conference on sentencing in 2016, which included a presentation on Australia's international obligations, under the Convention and international law, with respect to women in prisons.

8. Among others, the Commonwealth Director of Public Prosecutions office conduct education and awareness programs to inform staff about gender equality issues. The Australian Federal Police provide staff training on gender and human rights including the Security Council's Women, Peace and Security agenda, the Convention, and the *International Operations Gender Strategy*, prior to deployment to international operations. Police recruitment training includes an awareness session on human trafficking. The Australian Human Rights Commission coordinates and supports *the Australian Public Service Human Rights Network*, to support people working in the public service to learn about, and discuss how human rights relate to their work.

9. States and territories also incorporate training on anti-discrimination legislation, human trafficking, family and domestic violence, and human rights into their training programmes for law enforcement officials. See Annex 1: Issues 1 to 9.

10. The Australian Human Rights Commission promotes and provides education and training on human rights throughout Australia. They have developed resources and training for educators to support teaching about human rights, as well as working with employers and businesses to develop their understanding of their human rights responsibilities and to put in place strategies to create discrimination-free workplaces. The Australian Human Rights Commission and the Sex Discrimination Commissioner make a range of resources available online, to support their other engagement work.

Access to justice and remedies

Access to justice and remedies by women, including culturally appropriate legal assistance services

11. The Australian Government funds local legal assistance providers and state and territory governments to deliver legal assistance services to disadvantaged people.

12. The Australian Government is providing $370.1 million between 2015 and 2020 under the *Indigenous Legal Assistance Program* (ILAP). Funding is provided through direct funding agreements with *Aboriginal and Torres Strait Islander Legal Services* (ATSILS) to deliver culturally appropriate legal assistance services to Indigenous Australians. In 2016–17, ATSILS provided 67,546 services to women across urban, regional and remote areas. In 2015–16, the *Family Violence Prevention Legal Service* provided 2,791 casework services and 4,174 instances of legal assistance to

Aboriginal and Torres Strait Islander women and children experiencing family violence.

13. Migrants, asylum seekers and refugees in Australia are able to access a range of private and community legal services. The Australian Government funds application assistance for the most vulnerable asylum seekers, and provides online guidance to assist with the application process. The Australian Government informs detainees of their rights to access legal assistance and communicate with their legal representatives, and they are afforded facilities for taking legal proceedings in relation to their detention.

Funding of the Aboriginal and Torres Strait Islander Legal Services and the Aboriginal Family Violence Prevention Legal Services

14. As part of the 2017–18 Budget, the Australian Government announced measures to provide additional funding for legal assistance services, including an additional $16.7 million over four years for *Aboriginal and Torres Strait Islander Legal Services*, and an additional $39 million to community legal centres specifically for family law and family violence related services under the *National Partnership Agreement on Legal Assistance Services 2015–2020*. This funding has now been implemented and fully restores proposed funding reductions referred to by the Committee.

Access to administrative and judicial authorities for women facing multiple or intersecting discrimination

15. Federal discrimination laws apply across all Australian jurisdictions. An individual may make a complaint to the Australian Human Rights Commission alleging unlawful discrimination under federal anti-discrimination law. The Commission may inquire into and attempt to conciliate the complaint. In 2016–17, the Commission conducted approximately 1,128 conciliation processes, of which 843 (75 per cent) complaints were successfully resolved. If the complaint is not successfully conciliated, the complainant may make an application to the federal court. The federal court may order a range of remedies, including damages, apologies, declarations and orders directing a respondent not to repeat or continue conduct.

Court proceedings

16. The Convention has been invoked in a number of court cases in Australia. See Annex 1 — Issues 1 to 9.

Women, peace and security

Implementation of the Australian National Action Plan on Women, Peace and Security 2012–2018

17. The Australian Government has made steady progress implementing the *Australian National Action Plan on Women, Peace and Security 2012–2018*. The training of Australian deployed personnel to conflict zones is comprehensive and a gender perspective is integrated into policy documents. The Department of Foreign Affairs and Trade's *Gender Equality and Women's Empowerment Strategy* prioritises substantive gender equality in our foreign policy, overseas aid, and economic diplomacy. The *Australian Defence Force Operational Gender Advisor course*

supports participants to become gender advocates and advisors to deliver mission success while supporting the Women, Peace and Security agenda.

18. Australians fill key international gender advisory roles to support the implementation of the Women, Peace and Security agenda including missions in Afghanistan, South Sudan, Kuwait and the ADF headquarters in the Middle East. Australia also provides a gender advisor to UN Women supporting the application of the Women, Peace and Security commitments in UN operations.

19. The Australian Federal Police's *International Deployment Group's Gender Strategy 2014–2017* has been updated and the new *International Operations Gender Strategy* will be launched in February 2018. The Attorney-General's Department partners with the Australian Federal Police in the *Pacific Police Development Program*, which works with Pacific Island countries to strengthen laws and build capabilities of law and justice officers.

20. The *2015 Independent Interim Review of the National Action Plan*, commissioned by the Australian Government, commended the flexibility of Australia's *National Action Plan* to respond to the evolution of the Women, Peace and Security agenda. It also made recommendations to increase the effectiveness of implementation, including strengthening Monitoring and Evaluation frameworks, and strengthening partnerships with women's civil society organisations.

21. The Australian Government has commenced planning for the second *Australian National Action Plan on Women, Peace and Security*. The current *National Action Plan* was extended to mid-2019 to allow sufficient time to conduct meaningful consultation with civil society, including diverse women, women's organisations, women human rights defenders, academia, and organisations engaged in the implementation of the Women, Peace and Security agenda. A comprehensive engagement strategy is being developed to embed the importance of diverse women's meaningful participation in consultations This builds on our current practice of including civil society representatives in the mechanisms to monitor implementation of the current National Action Plan.

National machinery for the advancement of women

Role of the Office for Women (OFW) within the Department of Prime Minister and Cabinet

22. OFW exists to advance gender equality outcomes in Australia to enhance our national prosperity and well-being. OFW also provides leadership and support in international fora and supports the Government around its three priorities for gender equality: to strengthen women's economic security; to support more women into leadership positions; and to ensure that women and their children are safe from violence.

23. OFW also supports the Government to drive positive outcomes for all women and girls globally through representation at international fora and working in partnership with the international community.

24. OFW works across government to both directly and indirectly deliver and shape policies and programs that support gender equality. OFW directly manages programs such as: the *Women's Leadership and Development Program* (WLDP) grants program, which supports projects aimed at improving gender equality; the *BoardLinks* program for increasing the number of women on Government boards; and OFW

supports the relationship between the Australian Government and the network of National Women's Alliances who are funded under the WLDP.

25. Consistent with the role of other areas within the Department of the Prime Minister and Cabinet, OFW has a role across government to work with departments in their efforts to ensure their policies and programs support government priorities, including those associated with gender equality. This is achieved by:

- Providing policy advice to the Prime Minister and Minister for Women on significant policy or program issues or initiatives relevant to women;
- Engaging with other departments to develop major policy and programs that are likely to have significant implications for women;
- Providing advice to departments on significant policy and spending proposals as part of the Cabinet process in terms of the impact of these proposals on gender equality;
- Supporting the Government's engagement at key international fora where gender issues are considered.

Australian Human Rights Commission

26. On 24 January 2017, the Australian Human Rights Commission was re-accredited as an 'A-status' National Human Rights Institution in accordance with the Paris Principles. The Australian Government is committed to the Paris Principles and respects and values the independence of the Commission. The independence of the Commission is protected by federal legislation and individual Commissioners are appointed by the Governor-General for fixed terms of appointment.

27. The Government recognises that the Commission will sometimes be critical of government. The Australian Government will not always agree with the views, findings or recommendations of the Commission, but welcomes a vigorous, spirited and balanced human rights debate in Australia. The Australian Government works collaboratively alongside all of the Commissioners, including the President of the Commission, Emeritus Professor Rosalind Croucher AM, who commenced as President for seven years from 30 July 2017.

28. The Australian Government is confident that the Commission is appropriately resourced to undertake its independent statutory functions. In 2017–18, the Commission's total projected income is $20.854 million, including $14.439 million from the Australian Government.

Temporary special measures

Towards 2025

29. Under Australia's presidency, in 2014, G20 leaders committed to reduce the gender participation gap between men and women aged 15–64 by 25 per cent by 2025. For Australia, this means decreasing the gap from 12.1 per cent to 9.1 per cent by 2025. Australia is on track to meet this target, with the gap at 9.8 percentage points at December 2017. On 6 July 2017, the Australian Government released *Towards 2025: An Australian Government Strategy to Boost Women's Workforce Participation* (*Towards 2025*).

30. The Government has identified five action areas to improve women's workforce participation: childcare; workplace diversity and flexibility; jobs of the future;

economic security; and financial incentives. *Towards 2025* will be accompanied by annual Implementation Plans. Each plan will set out the priorities for the next 12 months and report on the previous year's action and progress towards meeting the target. Cohorts who may experience different or greater barriers to participating in the labour force are identified in *Towards 2025*, including Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, mature age women, rural and regional women, women with disability, and young women.

BoardLinks

31. The *BoardLinks* program is a federal program that has set a target of 50 per cent female representation on federal government boards. Several state and territory governments have implemented similar programs, for example, the *Queensland Women's Strategy 2016–21* aims for 50 per cent representation on government boards by 2020.

Targeted support to STEM

32. The Government supports a range of initiatives to encourage women's and girls' participation in science, technology, engineering and mathematics fields, including:

(a) *Science in Australia Gender Equity* program;

(b) *Women in STEM and Entrepreneurship* program;

(c) *Male Champions of Change* focus on improving gender equality in STEM-based industries;

(d) *Girls STEM Academy*, to be established;

(e) STEM scholarships through the *1967 Referendum 50th Anniversary Indigenous Education Package* for indigenous students.

Police recruitment

33. In September 2017, the Australian Federal Police (AFP) launched a special measure recruitment action to attract female candidates to become federal agents, community police officers and protective service officers. *AFP Women's Advisory Network* representatives provided support to delivery of awareness sessions for potential candidates in all state and territory capital cities.

Stereotypes and harmful practices

34. The Australian Government and all state and territory governments have committed to changing cultural patterns and attitudes that contribute to all forms of violence against women through the *National Plan to Reduce Violence against Women and their Children 2010–2022* (the *National Plan*). The *National Plan* is supported by four action plans that focus on promoting community involvement in challenging discrimination and gender stereotyping; building positive attitudes, beliefs and social norms to confront controlling, aggressive and ultimately violent behaviour; and advancing gender equality. Initiatives include: the *National Media Engagement Project* which aims to positively influence the way the media reports on and engages with victims of domestic, family and sexual violence; the *National Sporting Organisations Initiative*, aiming to help sporting organisations embed gender equality and respectful relationships into their networks and communities; and the *Workplace*

Equality and Respect Project to provide workplaces with tools to take action to prevention violence against women.

35. Each state and territory has adopted strategies that seek to address stereotyping, reinforcement of traditional roles and harmful cultural practices in the context of gender-based violence. See Annex 1 — Issues 1 to 9.

36. Australia's Sex Discrimination Commissioner led the Australian Human Rights Commission in conducting a national, independent survey of university students to gain insight into the nature, prevalence and reporting of sexual assault and sexual harassment at Australian universities. This resulted in the development of the *National Report on Sexual Assault and Sexual Harassment at Australian Universities — 2017*.

Combatting harmful practices

37. Since forced marriage was criminalised in Australia on 8 March 2013, the Australian Federal Police's specialist investigative teams have received 186 referrals relating to forced marriage (as at 30 June 2017). Statistics on the prevalence of forced marriage, sexual exploitation, labour exploitation and child trafficking are attached at Annex 2 — Issues 10 to 13, table 1.

38. Between 1 July 2016 and 30 June 2017, 21 individuals suspected of being in, or at risk, of forced marriage were referred to the Australian Government's *Support for Trafficked People Program*. In 2016, girls under the age of 18 accounted for 57% of persons referred to the program. This is a slight decrease from 2015, where 10 of 14 individuals identified as being in, or at risk of, forced marriage, were girls under the age of 18.

39. Records are not available from states and territories on the prevalence of female genital mutilation/cutting as instances are often captured in private case files and not converted to criminal matters.

40. Whilst there have been no convictions against Australia's federal forced marriage offences to date, there is currently one matter before the courts involving one defendant. There have been at least two convictions for female genital mutilation/cutting in Australia to date. State and territory cases involving slavery, servitude, sexual servitude and trafficking are at Annex 2 — Issues 10 to 13, table 2.

41. Financial support is available to suspected victims of human trafficking, slavery and slavery-like practices, including forced marriage, through the Australian Government's *Support for Trafficked People Program*, alongside other important services such as housing, legal and migration services, medical and other assistance. Examples of state and territory services are at Annex 1 — Issues 1 to 9.

42. The Australian Government provided funding for the Multicultural Centre for Women's Health to deliver the *National Education Toolkit FGM Awareness Project*. The toolkit provides a national coordination point for communities and service providers to share resources, information and knowledge that support victims and changes attitudes to end FGM/C.

43. Since 2014, the Australian Government has committed more than $750,000 to support specialist non-government organisations working to prevent and address forced marriage in Australia. Key outcomes include: Australia's first comprehensive online resource dedicated to preventing and addressing forced marriage, *My Blue Sky* developed by Anti-Slavery Australia; targeted education and awareness-raising initiatives on forced marriage in the education sector delivered by Australian Catholic Religious Against Trafficking in Humans; and training, aimed at increasing the

capacity of frontline welfare organisations in vulnerable communities to recognise and respond appropriately to forced marriage, delivered to more than 100 service providers through Australian Muslim Women's Centre for Human Rights.

Gender-based violence against women

Data relating to violence against women and their children

44. Data relating to violence against women and their children varies across Australia due to the division of responsibilities for key services such as education, policing and health and differences in legislation across jurisdictions. To address inconsistencies in data collection, Australian governments have committed to developing and implementing a *National Data Collection and Reporting Framework* for domestic and family violence and sexual assault that informs the collection of administrative data held by state and territory governments. The project extends over the life of the *National Plan*. The *National Outcome Standards for Perpetrator Interventions* were also developed under the *National Plan*, and the first report will be published in 2018.

45. The Australian Government Department of Social Services funds the Australian Bureau of Statistics to conduct a national *Personal Safety Survey* (PSS) every four years under the *National Plan*. The PSS collects information from men and women aged 18 years and over about the nature and extent of violence experienced since the age of 15.

46. The Australian Institute of Criminology regularly releases *National Homicide Monitoring Program* reports that publish data on deaths related to family and domestic violence, disaggregated by victims' gender, homicide type and relationship to perpetrator.

47. The Australian Government commissioned the Australian Human Rights Commission to work with state and territory governments to improve the collation and consistency of coronial data relating to family and domestic violence-related deaths. The *Australian Domestic and Family Violence Death Review Network* (the Network) is currently leading the development of a coherent and centralised system for the collection and analysis of domestic and family violence related deaths across Australia. The first national preliminary findings were presented at the Asia-Pacific Coroners' Society Conference in November 2017, with a detailed national data report due in early 2018.

48. In addition, the Australian Bureau of Statistics is funded to work with state and territory governments to add family and domestic violence flags to national recorded crime datasets.

49. For further information on initiatives to centralise data on gender-based violence against women, see Annex 1 — Issues 1 to 9. Current statistical information relating to violence against women is at Annex 1 — Issues 1 to 9.

Implementation of the National Plan

50. The *National Plan* is the framework document for leading action in the women's safety agenda. It is a collaboration between the Commonwealth, state and territory governments. The *National Plan* is supported by four sequential three-year action plans and includes a commitment to conduct an evaluation of its 12-year implementation, with smaller scale three-yearly evaluations. An independent

evaluator will conduct a formal evaluation of the *Third Action Plan* of the *National Plan* in 2019. The Australian Government Department of Social Services also monitors the *National Plan* through Annual Progress Reports.

The Third Action Plan

51. The *Third Action Plan (2016–2019)*, under the *National Plan*,[1] responded to a number of high-level findings that indicated greater leadership was required to challenge gender inequality and transform community attitudes. This action area is reflected in the priorities of the *Third Action Plan* to promote community involvement in challenging discrimination and gender stereotyping; building positive attitudes, beliefs and social norms to confront controlling, aggressive and ultimately violent behaviour; and advancing gender equality.

52. To ensure the views and experience of Australians of diverse needs were included in the *Third Action Plan*, the Department of Social Services held 16 workshops/roundtables with over 400 stakeholders from non-government organisations, academia and business. Consultation for the *Third Action Plan* included specific workshops on the needs and experiences of Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and women with disability. Twelve roundtable discussions were held with Indigenous people in 2016 across several states and territories to inform the *Third Action Plan*.

53. The *Third Action Plan* includes at least four specific action items each for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, and women with disabilities.

Resourcing the Third Action Plan

54. In the 2016–17 Commonwealth Budget, $100 million (2016–19) was announced to support initiatives under the *Third Action Plan*. This is in addition to the $25 million annual ongoing funding that underpins the National Plan and the $100 million for the *Women's Safety Package (2015–19)*. States and Territories, through their delivery of key services, also contribute financially and in-kind to the implementation of the *Third Action Plan*. See Annex 1 — Issues 1 to 9.

55. The Department of Social Services has a dedicated Family Safety Branch that exclusively works towards a significant and sustained reduction in violence against women and their children, through the implementation of the *National Plan* and supplementary packages. The Department of the Prime Minister and Cabinet also has a women's safety team in the Office for Women that coordinates women's safety priorities across the Commonwealth, states and territories, and a dedicated family violence team in the Indigenous Affairs Group that considers Aboriginal and Torres Strait Islander women's safety.

Evaluation of the Action Plans

56. A formal evaluation of the *Third Action Plan*, by an independent evaluator, is expected to take place towards 2019.

[1] Background information can be found at https://www.dss.gov.au/sites/default/files/documents/10_2016/third_action_plan_background_information_sheet.pdf.

57. An evaluation commissioned by the Government of the *Second Action Plan (2013–2016)* found that most of the priorities and actions have been implemented as intended across jurisdictions.

Gender-based violence against Aboriginal and Torres Strait Islander women

58. The Department of Social Services is considering the recommendation made by the United Nations Special Rapporteur, as it prepares the *Fourth Action Plan* (due to commence in 2019) of the *National Plan*.

59. The *Third Action Plan* was developed in consultation with Indigenous communities and is currently in its second year of implementation.

60. Addressing violence against Indigenous women is one of the six National Priority Areas for attention in the *Third Action Plan*. Addressing Indigenous family violence through the *Third Action Plan* provides key stakeholders and the broader community a clear picture of all priority areas and elevates Indigenous issues to a national platform.

Availability and accessibility of shelters

61. The Australian Government is working with the states and territories to establish a new *National Housing and Homelessness Agreement* to ensure that victims of gender based violence have access to needed homelessness services including accommodation. The Agreement will provide certainty for homelessness services, providing $375.3 million over three years from 1 July 2018, to be matched by state and territory governments. This funding will continue to prioritise support for people affected by domestic violence and vulnerable young Australians. The Agreement will also maintain the Commonwealth's current funding of over $1.3 billion a year.

62. State and territory government also fund services and shelters for victims of domestic violence. See Annex 1: Issues 1 to 9.

63. Other initiatives aimed at reducing homelessness for women experiencing domestic and family violence are being progressed under the *National Plan* which includes a commitment to strengthen safe and appropriate accommodation options for this vulnerable group.

Availability and accessibility of counselling, legal advice, interpretation services

64. The Australian Government has invested $25 million under the *Third Action Plan* for a range of Indigenous specific activities to address family violence, including trauma-informed therapeutic services for children, intensive family-focussed case management and additional funding for Family Violence Prevention Legal Service victim support services. In addition, $21 million has been invested under the *Women's Safety Package* in initiatives designed to keep Indigenous women safe from violence, including investment in the development of a targeted domestic violence module for a nurse home visiting programme.

65. All states and territories fund legal assistance services that provide support to women victims of violence. Interpretation services are available in all states and territories and many Government forms and information services are available in multiple languages. See Annex 1 — Issues 1 to 9.

Trafficking and exploitation of prostitution

66. As Australia does not consider that legalised sex work is exploitation of prostitution unless circumstances arise where sex workers do not consent to engage in sex work or are minors, data for exploitation of prostitution is included in human trafficking data. Between 2004 and 30 June 2017, the Australian Federal Police specialist investigative teams received 841 referrals relating to human trafficking, slavery and slavery-related offences, including forced marriage. See Annex 2: Issues 10 to 13, table 1.

67. Data on prosecutions and convictions is at Annex 2: Issues 10 to 13, table 2.

68. Suspected victims of human trafficking and slavery-related offences identified by the Australian Federal Police are eligible to receive support through the Australian Government's *Support for Trafficked People Program*, which is administered by the Department of Social Services and delivered by the Australian Red Cross. Suspected victims assisting with an investigation or prosecution are provided ongoing support until the matter is finalised. This support is tailored to meet client's individual needs and may include case management support, suitable accommodation, medical treatment, counselling, referral to legal and migration advice, skill development training and social support. As at 1 December 2017, 363 clients have been assisted by the *Support for Trafficked People Program* since it was established in 2004.

69. Under Australia's federated justice system, victims' compensation has traditionally been a matter for the states and territories. Each state and territory jurisdiction has a victims' compensation scheme, which may be available to people who have been subject to human trafficking and slavery-related offences. A number of trafficked people have accessed compensation from these state and territory schemes.

Participation in political and public life

Legislative, executive and judiciary bodies at the federal, provincial and territorial levels

70. Available data at Annex 2: Issues 10 to 13.

Military

71. As at 1 December 2017, 17 per cent of the Australian Defence Force (ADF) permanent workforce were women, including 20.8 per cent in Navy; 13.5 per cent in Army; and 21 per cent in the Air Force. Women comprised 15.1 per cent of personnel deployed on military operations at 1 December 2017. ADF female participation rates from July 2013 to December 2017 are at Annex 2: Issues 10 to 13.

Police

72. Current gender disaggregated data at Annex 2: Issues 10 to 13.

Independent administrative authorities and key consultative State bodies, senior civil service administration, diplomatic services, and management

73. Available statistics at Annex 2: Issues 10 to 13.

Company Boards

74. Available statistics at Annex 2: Issues 10 to 13.

75. Regular networking events for upcoming and aspiring directors are held as part of the Government's *BoardLinks program*. BoardLinks Champions, industry and not-for-profit leaders and advocates, who provide advice on how to increase women's representation on their boards, as well as identify suitable women for specific upcoming vacancies, support the program. The Australian Government is working with key women's organisations on options to expand and diversify the *BoardLinks* database, focusing on underrepresented cohorts of women, including Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women and women with disabilities.

Representation in elected decision-making bodies

76. Australia's two largest political parties, the Liberal party and the Labor party, have both committed to a target of 50 per cent female representation in parliament by 2025. For the current breakdown by political party of Federal Parliament, see Annex 2: Issues 10 to 13.

Measures to increase women's participation in elected decision-making bodies and government boards

77. *Towards 2025* has been discussed above at paragraphs 7.1–7.2.

78. The Australian Capital Territory and Northern Territory Governments have also committed to 50 per cent female representation on Government Boards by 2020, and Western Australia hopes to achieve 50 per cent representation by 2019. For other state and territory initiatives, see Annex 2 — Issues 10 to 13.

Other leadership programs

79. For examples of leadership programs, see Annex 2: Issues 10 to 13.

Targeted scholarships

80. The Australian Government has partnered with corporate Australia, and invested over $1 million in board scholarships for women through the Australian Institute of Company Directors, including specific scholarships for Aboriginal and Torres Strait Islander and other culturally and linguistically diverse women, and for women in the disability sector. The Australian Government also funded two Harvard scholarships on *Authentic Leadership* for senior women in public service, particularly targeting those in non-traditional fields of work, and two INSEAD scholarships on *Leading for Results* for Indigenous women.

81. For state and territory scholarships, see Annex 2: Issues 10 to 13.

Nationality

82. Birth registrations in Australia are managed by the state and territory Registries of Births, Deaths and Marriages, which recognises the challenges associated with maintaining high levels of birth registration, especially among people in regional and remote areas and also Indigenous people.

83. While exact numbers of children who are not registered are unknown, the period from birth to registration has been measured. The lag time is generally higher for Indigenous people. For example, for Indigenous children born in 2012 that have since been registered, 92.6 per cent were registered in that year, and 99 per cent were registered within four years. For non-Indigenous people, 98.7 per cent are registered in the first year.

84. Strategies and programs implemented to reduce barriers to registration include: working with health authorities to match hospital birth notification forms with registrations and following up with parents when registration has not occurred; community engagement and outreach programs with direct dialogue held with remote communities and/or Indigenous communities; mobile registration services; and distribution of public awareness materials. In all states and territories, birth registration is free of charge, although fees may apply for late registration.

Education

85. Available disaggregated data on enrolment, drop-out and completion rates at all levels of education is at Annex 2: Issues 10 to 13.

86. Available data on the prevalence of sex segregation in vocational and higher education is at Annex 2: Issues 10 to 13.

87. An example of measures to eliminate disparities in access to education and educational attainment is the *Connected Beginnings Program*, which commenced on 1 July 2016 to support the integration of early childhood, maternal and child health, and family support services within schools in a small number of Indigenous communities experiencing disadvantage. The *Program* aims to better prepare Indigenous girls and boys for school and reduce the disparity in educational outcomes between Indigenous children and their non-Indigenous peers. An impact evaluation of *Connected Beginnings* is underway and recommendations are expected in 2018–19.

88. The Australian Government is also funding The Smith Family to expand its *Learning for Life Program*, to support an additional 24,000 students from disadvantaged backgrounds to achieve improved educational and post school outcomes.

89. For state and territory initiatives, see Annex 2: Issues 10 to 13.

Employment

Workplace gender segregation

90. For tables providing data on occupational segregation, see Annex 3: Issues 14 to 16.

91. Resources are available to employers through Workplace Gender Equality Agency's (WGEA) *Women's work / men's work: great careers are for everyone* portal, which profiles women and men working in non-traditional fields, to inspire the next generation of employees about careers they might embrace, and the Australian Government funded *Australian Human Rights Commission toolkit* to increase women's representation in male-dominated industries, such as mining, construction and utilities.

92. According to ABS data as at November 2017, around one third (30.8 per cent) of Australian workers are employed in industries where one gender represents more than three quarters of the industry's workforce.

93. The number of Australian workers within industries where one gender represents more than three quarters of the industry's workforce, is up by 1.1 percentage points over the year to November 2017. The increase has been driven by strong employment growth in the Health Care and Social Assistance (78.3 per cent female share of industry employment) and Construction (88.9 per cent male share of industry employment) industries. Women are predominant in the health care and social assistance (78.3 per cent), the education, and training (70.7 per cent) industries. Men are predominant in the construction (88.9 per cent), mining (85.6 per cent) and transport, postal and warehousing (77.9 per cent) industries. The male share of employment in the construction and transport, postal and warehousing industries has increased over the 20 years to November 2017 (up by 2.0 percentage points and 1.3 percentage points respectively), by contrast, the male share of employment in the mining industry has fallen over the period (down by 6.2 percentage points).

94. As at November 2017, women held (26 per cent) of the ASX200 board positions, up from (25.1 per cent) in November 2016. As at 30 June 2017, women held 42.7 per cent of Australian Government board positions. This is the highest outcome since public reporting on the gender balance of Government boards began in 2010–11.

Workforce participation

95. In Australia, as at November 2017, approximately 60.6 per cent of working age women (15 years and older) participate in the labour force, the highest number on record and above the OECD average. Increased women's workforce participation is a strong priority of the Federal Government and is being delivered through a range of initiatives and opportunities.

96. In 2014, under Australia's presidency, G20 leaders committed to reducing the gender labour force participation gap by 25 per cent by 2025.

97. One of the key actions of the Australian Government's *Towards 2025 An Australian Government Strategy to Boost Women's Workforce Participation* is to undertake a gender analysis of employment services to improve current service delivery where this is possible within existing program parameters, as well as inform the design of employment services by 2020 where there is potential to improve service delivery to women.

98. The Government is also working with business to raise awareness and drive cultural change to improve women's workforce participation through the Fair Work Ombudsman, the Australian Human Rights Commission, and WGEA.

Data on the employment rate and industry among women from marginalized groups

99. The Australian Bureau of Statistics *Labour Force Survey* data are not readily available for persons from ethnic minorities. While data for persons born in *Other than main English-speaking countries* (OTMESC) are available, they are not a direct substitute for the ethnic minorities cohort. Bearing this in mind, the employment rate for women (15 years and over) in Australia who were born in OTMESC stood at 48.8 per cent in August 2017 (up from 47.5 per cent in August 2014), compared with 65.0 per cent for men born in OTMESC.

100. The employment rate for mature age (55 years and over) women in Australia has risen over the last three years, from 28.3 per cent in August 2014, to 29.9 per cent in August 2017, although it remains below the 40.1 per cent for mature age men.

Data on employment by industry for males and females who identify as Indigenous, OTMESC or 55 years or older is at Annex 3: Issues 14 to 16.

101. The employment rate for Indigenous women (15+ years) has fallen from 43.6 per cent in 2008 (the previously available estimate) to 40.9 per cent in 2015. This is largely attributed to the reclassification of individuals previously considered employed as part of the Community Development Employment Projects, which concluded during this period.

102. The employment rate for women with disability (15–64 years) has risen from 68.5 per cent in 2012 (the previously available estimate) to 69.9 per cent in 2015.

Indigenous employment programs

103. As at 31 December 2017, there were 63,580 employment placements for Indigenous job seekers under Indigenous employment programs since 18 September 2013, of those 43 per cent (27,109) were women. This total includes the *Community Development Program* that covers only remote areas, and other Indigenous employment programmes that provide employment support across remote *and* non-remote (including urban) regions.

Community Development Program (CDP)

104. The *CDP* provides opportunities for job seekers in remote Australia to participate in work-like activities five days a week, 12 months a year. Activities are flexible and tailored to the needs of the individual and can include assistance with non-vocational issues that make it difficult to find and keep a job, literacy and numeracy training, and assistance to obtain drivers licences. Active participation is now at 74.1 per cent. The program has supported remote job seekers into more than 21,600 jobs.

105. As at 31 October 2017, there were 32,773 job seekers who were on the *CDP* caseload. Of these, there were 14,564 women (around 45 per cent of the caseload). There were 12,094 Indigenous female job seekers representing 83 per cent of all female job seekers and 45 per cent of all Indigenous job seekers under the CDP.

Vocational Training and Employment Centres (VTEC)

106. VTECs connect Indigenous job seekers with guaranteed jobs and bring together the support services necessary to prepare job seekers for long-term employment.

107. VTEC providers work closely with Government employment services, Indigenous communities and industry employers to source, train and support Indigenous people into jobs. As at 7 January 2018, 3,004 or 41.2 per cent of participants commenced into employment have been women.

Employment Parity Initiative (EPI)

108. The *EPI* aims to increase the number of large Australian companies with a workforce that reflects the size of the Indigenous population — currently 3 per cent. As at 7 January 2018, 1,999 or 53.9 per cent of participants commenced into employment have been women.

Indigenous Rangers and Indigenous Protected Areas

109. The *Indigenous Rangers and Indigenous Protected Areas programs* have created more than 2,500 jobs for Indigenous people through full-time, part-time and casual employment, as well as delivering important economic, social, cultural and environmental outcomes. Women hold about one third of these jobs.

jobactive

110. *jobactive* is the Australian Government's mainstream employment services (managed by the Department of Employment) connecting job seekers to local employment opportunities. A network of providers operating in over 1,700 locations across urban and regional Australia delivers jobactive. Since its commencement on 1 July 2015, 27,664 Indigenous women have been supported into employment through jobactive. The total caseload of Indigenous women registered with jobactive as at 31 December 2017 was 34,205.

Sexual Harassment in the Workplace

111. The Australian and state and territory governments recognise the serious barriers that workplace sexual harassment and discrimination can generate for workforce participation. For examples of state and territory initiatives, see Annex 3: Issues 14 to 16.

112. Employers have a duty to provide a safe workplace under state and territory health and safety laws. Federal and state anti-discrimination legislation and the *Fair Work Act 2009* also contain protections against sexual harassment and discrimination in the workplace.

113. Safe Work Australia (SWA) leads the development of national policy to improve work health and safety arrangements across Australia. This includes both physical and psychological health. SWA has published guidance covering workplace violence, bullying and harassment in relation to preventing psychological injury.

114. In 2014, the Australian Human Rights Commission in conjunction with industry and unions launched a national awareness raising strategy *Know Where the Line Is*. It targets employers and employees with the aim of preventing and reducing the harm of sexual harassment in Australian workplaces.

The Workplace Gender Equality Agency

115. The *Workplace Gender Equality Act 2012* (the Act) established the Workplace Gender Equality Agency (WGEA), which is charged with promoting and improving gender equality in Australian workplaces. The Act requires non-public sector employers with 100 or more staff and registered higher education providers that are employers to report annually to WGEA against six gender equality indicators.

Health

Legality of Abortion

116. The legality of abortion is determined by each of the Australian states and territories and varies from jurisdiction to jurisdiction. This variation mostly concerns the reason for abortion and the stage of pregnancy. Abortion up to 14 weeks gestation is available Australia-wide and later abortion is available in most states and

territories. For laws concerning abortion in each state and territory, see Annex 3: Issues 14 to 16.

117. Medication abortion is regulated nationally through the Therapeutic Goods Administration, the body responsible for approving medications for use in Australia, and is listed on the *Pharmaceutical Benefits Scheme*, making it more affordable for Australians. The funded service is an oral tablet pack (mifepristone and misoprostol) for an intra-uterine pregnancy of up to 63 days of gestation.

118. The Australian Government has not announced any plans to alter the current legal regime under which abortion states and territories provide services.

Rural women

Addressing rural women's safety

119. The *Third Action Plan* provides for research in remote, regional and urban communities to address domestic, family and sexual violence in Indigenous communities. Through the *Safer Pathways for Culturally and Linguistically Diverse Women* project, grants have been provided to support women living in regional areas who are experiencing, or at risk of, family and domestic violence or sexual assault, to access the support they need. The *1800RESPECT* telephone line allows women in remote and rural areas to access safe and relevant services for women in rural, remote and isolated communities. Under the *Women's Safety Packages*, the Australian Government has provided over 2,500 phones to women in regional and remote locations to help women affected by domestic violence to access services and obtain assistance if needed.

Rural Women's leadership

120. The Australian Government supports the *Rural Women's Award*, which identifies and supports emerging women leaders to make a greater contribution to primary industries and rural communities. The *Country to Canberra Power Trip* empowers young rural women to reach their leadership potential and the *Australian Women in Agriculture Conference*, held annually, aims to connect, inspire, encourage and motivate women involved in agriculture.

121. For state and territory initiatives, see Annex 3: Issues 14 to 16.

Aboriginal and Torres Strait Islander women

122. In November 2008, the Council of Australian Governments (COAG) committed to a number of targets to close key gaps in outcomes between Indigenous and non-Indigenous Australians. In 2017, only one of the seven targets is on track to be met, with four targets due to expire in 2018. COAG has agreed to work together, and with Indigenous leaders, organisations and communities to refresh the *Closing the Gap* agenda, with a renewed emphasis on collaborative effort, evaluation, and building on proven successes. Public consultations are underway to identify the policy priorities of Indigenous communities to inform the revised agenda, and new or refreshed targets. This is an opportunity to measure outcomes for, as well as reflect the needs and priorities of, Indigenous women and girls in the policies, programs and services that seek to close the gap.

Participation of Indigenous women in Government decision-making and policy development

123. The Australian Government actively encourages and works with Indigenous women in the development of policies and programs. For example, the *Indigenous Advancement Strategy* is underpinned by a flexible structure to support communities and local organisations to work together to develop joint solutions.

124. The Aboriginal and Torres Strait Islander Social Justice Commissioner is leading the *Wiyi Yani U Thangani* (Women's Voices) 'Securing Our Rights, Securing Our Future' project to better understand the challenges facing Indigenous women and girls. This Commonwealth funded project will engage with Indigenous women and girls across Australia over 2018, with outcomes to inform future policy across all levels of government.

125. The Indigenous-designed and led *Empowered Communities* initiative draws on grassroots community engagement, and advises Government on the specific needs, priorities and aspirations of communities to inform Government investment. Indigenous women are involved in *Empowered Communities* regional leadership groups, and lead the work in the remote Ngaanyatjarra Pitjantjatjara Yankunytjatjara Lands.

126. Indigenous women participate in decision-making connected to their needs in all states and territories. See Annex 4: Issues 17 to 20.

Causes of the gap in Indigenous women's life expectancy

127. Whilst Australia has made progress, with the overall mortality rate declining 33 per cent between 1998 and 2014, Australia is not on track to close the gap in life expectancy by 2031.[2] Refer to Annex 4: Issues 17 to 20 for an overview of common diseases affecting Indigenous people and improvements in health outcomes.

128. Studies have estimated that between one third and one half of the health gap between Indigenous and non-Indigenous Australians is associated with differences in socio-economic status. Selected social determinants, such as education, employment status, overcrowding and household income, along with behavioural risk factors, such as tobacco and alcohol use, diet and physical inactivity combined with social determinants are among the underlying factors that must be addressed to improve outcomes for Indigenous people.

Measures to address the gap in life expectancy

129. Through the *Indigenous Australians' Health Programme*, the Australian Government is investing $3.6 billion over four years from 2017–18 to 2020–21 to improve access to primary health care for Indigenous Australians, and areas of critical need through targeted investment that are expected to accelerate progress in reaching health targets. This investment funds approximately 140 Aboriginal Community Controlled Health Services, as well as around 40 other providers that deliver comprehensive, culturally appropriate primary health care to their local communities.

130. The *National Aboriginal and Torres Strait Islander Health Plan 2013–2023* is the Australian Government's key platform to support the achievement of the COAG

[2] Progress against the 20 goals of the Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013–2023 can be accessed via an interactive online tool at https://www.aihw.gov.au/reports-statistics/population-groups/indigenous-australians/overview.

Closing the Gap Strategy health targets. *Implementation Plans* outline actions to be taken by the Australian Government, the Indigenous community controlled health sector, and other key stakeholders. The *Implementation Plan* for 2018 is currently being developed, with a strengthened focus on the social determinants of Indigenous health to accelerate progress towards the current *Closing the Gap* health targets.

Women in detention

131. States and territories are responsible for the criminal justice system in Australia.

Profile of women prisoners

132. According to figures produced by the Australian Bureau of Statistics, at June 2017 there were 3299 female prisoners in Australian prisons.

133. For disaggregated data, see Annex 4: Issues 17 to 20.

Measures taken to address discrimination against women in prison

134. The Australian Government is committed to addressing the underlying factors that lead to Indigenous women's higher rates of contact with the justice system. This includes supporting states and territories to put in place measures to reduce their experiences of violence, as victims and offenders, and address the need for specialist support services.

135. The *Prison to Work Report*,[3] released by COAG, lists nine high-level findings and 55 actions that governments could undertake to improve Indigenous prisoners' pathways to work. The Australian Government is working with all states and territories to address the findings of the report including how to improve support for Indigenous female prisoners.

136. The Government is conducting a research project to examine methods and processes for identifying and assessing disability, cognitive impairment, foetal alcohol spectrum disorder, and acquired brain injury among Indigenous prisoners in all jurisdictions.

Complaints mechanisms

137. In all jurisdictions, detainees who believe they have been discriminated against are able to make a complaint to state human rights bodies or ombudspersons. See Annex 4: Issues 17 to 20.

Protect women from gender-based violence

138. In all states and territories, female prisoners are accommodated separately to male prisoners, often in separate facilities. This separation provides a measure of protection against gender-based violence. See Annex 4: Issues 17 to 20.

Addressing individual needs

139. States and territories have responsibility for ensuring the accommodation, safety and wellbeing of all people in detention, including women and girls with disabilities. Upon entry to the prison system, all inmates are interviewed and assessed, allowing

[3] The Report is available on the COAG website (www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf).

for identification of immediate cognitive, physical, sensory or mental health, or security risks and needs. Inmates with disability are provided with support and services throughout their detention consistent with their assessed requirements.

Women and girls with disabilities

Improving the lives of women and girls with disability

140. The *National Disability Strategy 2010–2020*[4] (the *Strategy*) provides a ten-year national policy framework for improving the lives of all people with disability in Australia including the 3.84 million people who will not be participants of the National Disability Insurance Scheme (NDIS).

141. The *Strategy* seeks to promote, uphold and protect the rights of people with disability and is an important mechanism to ensure the principles underpinning the *United Nations Convention on the Rights of Persons with Disabilities* are incorporated into Australian policies and programs.

142. The *Strategy* sets out six policy areas to improve the lives of people with disability: inclusive and accessible communities; rights protection, justice and legislation; economic security; personal and community support; learning and skills; and health and wellbeing.

143. While the *Strategy* seeks to improve the lives of all Australians with disability, it recognises that people with disability have specific needs based on their personal circumstances, including the type and level of support required, gender, age, education, sexuality, and ethnic or cultural background. In particular, it recognises that gender can significantly impact on the experience of disability, and women and girls with disability often face different challenges because of their gender.

144. For state and territory initiatives, see Annex 4: Issues 17 to 20.

Neglect and abuse of women and girls with disability in institutional, residential, and other care settings

145. In November 2015, a Parliamentary Committee reported into the violence, abuse and neglect against people with disability in institutional and residential settings. The findings and recommendations of the Committee, as well as issues raised in related state-based inquiries, have informed the development of the *NDIS Quality and Safeguarding Framework* (the *Framework*).

146. The *Framework*, released on 3 February 2017, provides a nationally consistent approach to quality and safeguards to help empower and support NDIS participants to exercise choice and control while placing obligations on service providers to develop better ways to prevent detect and respond to cases of violence, abuse and neglect.

147. The NDIS Quality and Safeguards Commission (the Commission) is being established to enact the Commonwealth's responsibilities under the *Framework*. The Commission will register providers, handle complaints, analyse reportable incident notifications, manage quality standards and enforce a *Code of Conduct* for NDIS providers and workers. It will have a role in ensuring best practice in the use of behaviour support strategies to manage behavioural issues and reduce and eliminate

[4] See: https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020.

the use of 'restrictive practices', such as physical restraints, which limit the freedom and dignity of a person with disability. The Commission will begin operating from 1 July 2018 as the NDIS is rolled out.

Safeguards for people with disability outside of the NDIS

148. People with disability, their families and carers rely on a wide range of services outside of the NDIS, including mainstream supports, specialist disability services, and community supports to pursue their goals and maintain their quality of life.

149. While the Commission will be responsible for overseeing quality and safeguards for the full implementation of the NDIS including people with disability receiving specialist disability accommodation support funded through the NDIS, the Commission will not replace existing functions in the states and territories that have a broader scope (such as an ombudsman, a human rights commission or a public advocate).

150. Services and supports for people with disability that are delivered through other systems, such as the health, education and justice systems, will continue to be covered by the quality and safeguards arrangements of those systems. Mainstream complaints and redress mechanisms, including police, Fair Trading, and professional and industry bodies, will continue to be available to both NDIS participants and people with disability outside of the NDIS. Consumer guarantees in the *Australian Consumer Law* will cover disability-related supports and services.

151. Anti-discrimination and human rights legislation overseen by the Disability Discrimination and Human Rights Commissioners will provide additional avenues for raising a complaint.

152. See further at Annex 4: Issues 17 to 20.

Specialist Disability Accommodation

153. The *National Disability Insurance Scheme Act 2013* creates the framework for the scheme, and gives effect in part to Australia's international obligations. People with disability may be eligible for the NDIS if they meet certain eligibility requirements including age, residence and either disability or early intervention requirements.

154. Funding for specialised residential accommodation is a key element of the NDIS. A specific module, *Specialist Disability Accommodation* (SDA), has been introduced to meet residential needs. Providers must register under the NDIS to deliver SDA and demonstrate they meet the obligations and expectations under a range of Commonwealth, State and Territory laws, codes and standards.

Stop the Violence Project

155. Under Australia's *National Plan*, the Government is working to better identify, support and respond to women with disability experiencing, or at risk of, domestic and family violence and sexual assault. Under the *National Plan's First Action Plan*, the Government funded the *Stop the Violence Project* to investigate and promote ways to improve access to and responses by services for women with disability experiencing or at risk of violence. As part of the *Stop the Violence Project*, Australia held a *National Symposium on Violence against Women and Girls with Disabilities*.

156. *Stop the Violence Project* was national in scope and laid the groundwork for improved service provision for women and girls with disability who are experiencing,

or are at risk of, violence. As an outcome of the *Stop the Violence Project*, the Government is working to build on and enhance the high quality of services provided by *1800RESPECT* (Australia's national sexual assault, domestic and family violence counselling service) to make sure the needs of women with disability who have experienced, or are at risk of, domestic and family violence and/or sexual assault are met.

157. Further, the Government is working to build the evidence base on diverse experiences of violence. The Government funded Australia's National Research Organisation to deliver a state of knowledge paper *'Invisible women, invisible violence: understating and improving data on the experience of domestic and family violence and sexual assault for diverse groups of women'* including women with disabilities to improve the available data. This report was released in December 2016.

Sterilisation of women and girls with disability

158. The Australian Government is committed to respecting the rights of all persons to physical integrity and reproductive rights.

159. A procedure for the purposes of sterilisation may only occur in Australia with the person's consent or with authorisation from a court or guardianship tribunal if the person is unable to give valid consent. Australia does not propose any changes to these arrangements.

160. In 2013, an Australian Senate Committee completed an Inquiry into the involuntary or coerced sterilisation of people with disability and intersex people. The Australian Government considered the Committee's recommendations, but does not propose any changes to existing arrangements.

161. See further at Annex 4: Issues 17 to 20.

Refugees, asylum-seeking and stateless women and girls

Nauru Regional Processing Centre

162. Nauru Regional Processing Centre (RPC) is the only offshore processing centre with female inhabitants. The Nauru RPC is located within Nauru's sovereign territory and is managed and administered under Nauru's domestic law. It is the Australian Government's position that it does not exercise effective control over refugees and asylum seekers in Nauru, and therefore its international obligations are not engaged. Notwithstanding, the Australian Government supports the Government of Nauru to implement regional processing arrangements in Nauru and provides a response to the Committee's questions in this context.

163. Regional processing centres in Nauru are fully open accommodation centres, with residents free to move in and out at their liberty. Arrangements are made for people to move from the regional processing centre into community accommodation on confirmation of refugee status, and when accommodation becomes available. Refugees in Nauru are eligible to express an interest in resettlement in the United States or Cambodia. The Australian Government continues to support the Government of Nauru to identify further resettlement options.

164. The Australian Government supports the Government of Nauru to provide refugees and asylum seekers living in Nauru with accommodation and utilities, meals and clothing (or a living allowance to meet these needs), education, welfare and wellbeing services, and health services. Individuals receive case management support

tailored to their individual needs, which factors in the special needs of girls and women. All refugees and asylum seekers have access to clinically indicated primary and mental health care, including torture and trauma counselling, delivered by the Government of Nauru and supplemented through contracted health services.

Medical Services — In Australia

165. In Australia, the Department of Health funds the *Program of Assistance for Survivors of Torture and Trauma*, which provides specialised support services to permanently resettled humanitarian entrants and those on temporary substantive visas living in the community who are experiencing psychological or psychosocial difficulties associated with surviving torture and trauma before coming to Australia.

166. All asylum seekers and refugees in Australia have access to health care, whether by Medicare or through government programs such as the *Community Assistance Support Scheme* and the *Asylum Seeker Assistance Scheme*. The health care provided to refugees and asylum seekers in Australia, including services for women and girls by the Australian Government, is on par with what is available for the whole Australian population.

167. From 30 June 2017, enhanced pre-migration mental health screening is carried out for refugees and humanitarian entrants, which includes specific mental health screening questions for women and girls. Individuals in immigration detention in Australia receive primary healthcare provided by a range of medical professionals at a level comparable to those available to the Australian community under the public health system.

168. State and territory health services have targeted interventions such as the Afghan Refugee Women and Antenatal Care initiative in Hunter New England Local Health District that supported pregnant Afghan women to attend antenatal clinics. As a result of the program, the number of Afghan women attending the minimum number of antenatal visits went from 46 per cent to 100 per cent.

Medical Services — In Nauru

169. In Nauru, primary care for pregnant asylum-seekers is provided by International Health and Medical Services (IHMS) medical professionals with support from the Nauru Hospital, and is supplemented by visiting health professionals, a tele-health service and medical transfers when required. Individuals from Nauru may also be temporarily transferred to Papua New Guinea for treatment not available at Nauru Hospital, including for high-risk births.

170. Pregnant women settled in the Nauruan community receive primary care from the IHMS Settlement Health Clinic, access to midwives and an obstetrician. Pregnant women and mothers have access to pre-natal, antenatal and maternal health care, support groups and day care services.

Protecting refugee and asylum-seeking women and girls from gender-based violence

171. Over 16,800 *Woman at Risk* visas have been granted since the establishment of the visa in 1989 and in 2017–18, Australia has 1,550 places for this category visa, up from 1,200 places in 2015–16 and 2016–17. In 2016–17, the proportion of the *Humanitarian Program* for people facing particular vulnerabilities was expanded to include vulnerable women and children from persecuted minority groups, who are living within their country and otherwise may not be eligible under the *Woman at Risk* criteria.

172. Examples of state and territory initiatives are at Annex 4. Issues 17 to 20.

Education — In Australia

173. Any person who is in Australia as the holder of a refugee or humanitarian visa (including a temporary or permanent protection visa) is able to access work and study. This is in line with Australian law, which requires all school-aged children to be enrolled in school.

174. Arrangements are also in place for children of school age (5 to 17 years of age) in Australian immigration detention, to access school education in Australia. Regular age-appropriate educational programmes and activities are also delivered by the Australian Government's detention service provider.

175. The Government provides English language tuition to assist eligible humanitarian, skilled and family visa holders settle in Australia, and access education.

Education — In Nauru

176. Access to education for refugees and asylum seekers on Nauru is the responsibility of the Nauruan Government. As part of its support to the Government of Nauru, the Australian Government contracted an education service provider to deliver professional development and teacher support services in Nauruan schools, supporting curriculum development and improved pedagogical practices. The Australian Government also provides funding for Technical Vocational Education and Training courses to provide vocational skills to high school students, including refugees.

Nationality for stateless children

177. The *Australian Citizenship Act 2007* provides that a person born in Australia who is not the national or citizen of any country, has never been the national or citizen of any country, and is not entitled to acquire the nationality or citizenship of a foreign country, is eligible to become an Australian citizen by conferral. This gives effect to Australia's obligations under the *1961 Convention on the Reduction of Statelessness* and has been part of Australian citizenship legislation since 1973.